

2684-#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Nikolaus P.W. Almassy

Serial No.: 09/668,502

Filed: 09/22/2000

For: **SYSTEM AND METHOD FOR THE EXCHANGE OF LOCATION
INFORMATION IN A TELEPHONE NETWORK**

Docket No.: **TI-31692**

Examiner: **Andrew, H.**

Art Unit: **2684**

Conf. No.: **1988**

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REQUEST TO WITHDRAW NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 CFR § 1.8(a)

I hereby certify, that on this date, this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450.

Elizabeth Austin
Elizabeth Austin

10/9/2003
Date

Dear Sir:

Applicant respectfully requests that the Notice of Abandonment mailed on September 22, 2003 be withdrawn for the reasons set forth below.

ARGUMENT

The USPTO mailed a Notice of Abandonment to Applicants on September 22, 2003. The above Notice of Abandonment was quite a surprise to Applicants who were expecting a Notice of Allowance. Applicants respectfully submit that the Notice of Abandonment was issued in error and should be withdrawn in view of the following Facts and Reasons Why the Abandonment is Improper:

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THE FACTS:

- 1) A non-final Office Action was issued on March 26, 2003 (ATTACHMENT-1). Applicant filed an amendment under 37 C.F.R. § 1.111 and a 2-month Extension of Time request on August 26, 2003 (ATTACHMENT-2) – which was one full month prior to the six-month time period which ended on September 26, 2003.
- 2) The USPTO received the above-identified amendment under 37 C.F.R. § 1.111 and a 2 month Extension of Time request on September 2, 2003 as verified by the attached copy of the stamped and dated post card (ATTACHMENT-3).
- 3) Presumably, the USPTO lost or misplaced the above-identified amendment and a Notice of Abandonment was issued on September 23, 2003 (ATTACHMENT-4), citing “Applicant’s failure to file a proper response to the Office letter mailed on 26 March 2003”.

REASONS WHY THE NOTICE OF ABANDONMENT IS IMPROPER AND SHOULD BE WITHDRAWN:

The USPTO’s determination in #3 above is erroneous and does not reflect the record in this case. The record clearly shows that Applicant filed a timely response to the Office letter mailed March 26, 2003.

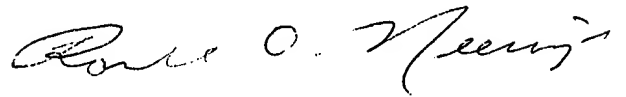
The return post card in #2 above clearly shows that the USPTO received on September 2, 2003, the amendment mailed by Applicants on August 26, 2003.

For the above reasons, Applicant requests that the Notice of Abandonment dated September 23, 2003 be vacated and the holding of abandonment be withdrawn. Applicant

further requests that the amendment under 37 C.F.R. § 1.111 filed on August 26, 2003, be considered by the Examiner.

No additional Extension of Time or Petition fee should be required. Nevertheless, if the USPTO determines that a fee is required, please charge the fee to Deposit Account No. 20-0668.

Respectfully submitted,



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Attorney for Applicant

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WJB/PPH

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,502	09/22/2000	Nikolaus P.W. Almasy	DOT1360/TI-31692	1988

7590 03/26/2003

Ronald O Neerings
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M S 3999
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Dallas, TX 75265



EXAMINER

HARRY, ANDREW T

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 03/26/2003

AMENDMENT 6/26/03

Please find below and/or attached an Office communication concerning this application or proceeding.

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MAR 31 2003
PATENT DEPT

24

Office Action Summary

Application No.

09/668,502

Applicant(s)

ALMASSY, NIKOLAUS P.W.

Examiner

Andrew T Harry

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,11,13,41,52,55,61 and 63-65 is/are allowed.
- 6) ☒ Claim(s) 1-9,12,15,17-30,32,34-40,42-44,46,48-51,54,56-58,60 and 62 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 4. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8, 12, 15, 17-22, 24-30, 32, 34-40, 42-44, 46, 48-51, 54, 56-58, 60, and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by *Bork et al. U.S. Patent 6,246,376* ("*Bork*").

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As pertaining to **claims 1, 15, 25, 37, 42, 46, 48, 50, 58 and 60**, *Bork* teaches in a wireless communications system and mobile station, a method and apparatus for a mobile station to determine proximity to a telephone or second mobile phone, the method and apparatus comprising (see *Bork*, abstract):

a first mobile station determining its position by having an input to receive information indicative of its location (see *Bork*, col. 4 lines 54-60);

the first mobile station receiving the position of a telephone or second mobile station after requesting the location information (see *Bork*, col. 4 line 60-col. 5 line 2); and

the first mobile station calculating the distance to the telephone or second mobile station after receiving the position information from the second mobile station or telephone (see *Bork*, col. 5 lines 2-8).

As pertaining to **claims 2, 26 and 43**, *Bork's* method also comprises:

the first mobile station and second mobile station or telephone determining its alignment in a coordinate system (see *Bork*, col. 4 lines 54-60); and

calculating the direction to the telephone and first or second mobile station (see *Bork*, col. 5 lines 2-8).

As pertaining to **claims 3, 36, and 38**, *Bork* describes that the communications between the first station takes place with a "trusted" second station, thus indicating that the system had a method for determining a trust level and that receiving the position of the telephone includes receiving the position in response to the level of trust determined by the telephone (see *Bork*, col. 2 lines 22-25, and col. 3 lines 32-39).

As pertaining to **claims 4, 32, 39, and 56**, *Bork's* method also comprises:

prior to automatically sending its position, generating a request to authorize the sending of the telephone position (see *Bork*, col. 4 line 60-col. 5 line 2); and

wherein receiving the position of the telephone includes receiving the position in response to the request being authorized (see *Bork*, col. 4 line 60-col. 5 line 2).

As pertaining to **claims 5, 49 and 51**, in *Bork's* method the first mobile station and second mobile station or telephone is connected to a global positioning satellite (GPS) receiver (see *Bork*, col. 6 lines 54-60); and

determining the position of the first mobile and second mobile station or telephone station includes the first mobile station receiving data from the GPS receiver (see *Bork*, col. 6 lines 54-58).

As pertaining to **claims 6, 27, 40, and 54**, in *Bork's* method the telephone can be a second mobile station, connected to a GPS receiver (see *Bork*, col. 6 lines 54-60), and the method further comprising:

the second mobile station receiving data from the connected GPS receiver (see *Bork*, col. 4 line 60-col. 5 line 2); and

the second mobile station sending its position in response to the data received from the connected GPS receiver (see *Bork*, col. 4 line 60-col. 5 line 2).

As pertaining to **claims 7, 28, and 44**, *Bork's* method further comprises:

the first or second mobile station sending a request for the position of the first or second mobile station; and

wherein the first or second mobile station sending of its position includes the first or second mobile station sending its position in response to the first or second mobile station request (see *Bork*, col. 4 line 60-col. 5 line 2).

As pertaining to **claim 8**, in *Bork's* method when the second mobile station send off its position it includes the second mobile station automatically sending its position in response to the request (see *Bork*, col. 4 line 60-col. 5 line 2).

As pertaining to **claim 12**, in *Bork's* method the first mobile station sends its request for the position of the second mobile station to the second mobile station (see *Bork*, col. 4 line 60-col. 5 line 2); and

the second mobile station sends the second mobile station position to the first mobile station in response to the request (see *Bork*, col. 4 line 60-col. 5 line 2).

As pertaining to **claims 17 and 35**, in *Bork's* disclosure the first and second mobile station/telephones can be one and the same (see *Bork*, col. 4 lines 54-col. 5 line 2).

As pertaining to **claim 18**, *Bork* describes that the communications between the first station takes place with a "trusted" second station, thus indicating that the system had a method for determining a trust level and that receiving the position of the telephone includes receiving the position in response to the level of trust determined by the telephone (see *Bork*, col. 2 lines 22-25, and col. 3 lines 32-39).

As pertaining to **claims 19 and 29-30**, *Bork's* method further discloses that the telephone can be a fixed location device such as a retail shop, or possibly a pay phone (see *Bork*, col. 5 lines 49-67), and the method further comprises:

creating position record of the telephone with the service provider (see *Bork*, col. 5 lines 49-67, the service provider could be the service provider used by the user of the first handset device);

wherein the first mobile station receiving of the position of the phone includes the first mobile station receiving the position from the service provider (see *Bork*, col. 5 lines 49-67).

As pertaining to **claim 20**, *Bork's* method further comprises:

the first mobile station requesting the position of the telephone, from the telephone; and
the telephone requesting the service provider to send its position to the first mobile station (see *Bork*, col. 5 lines 49-67).

As pertaining to **claims 21 and 62**, *Bork's* method also comprises:

the service provider creating a dedicated number to request position information; and
wherein the first mobile receiving of the position of the telephone includes the first mobile station dialing the dedicated number to receive the telephone position (see *Bork*, col. 5 lines 54-55, the device can be paged over a cellular link, thus needing a number).

As pertaining to **claim 22**, *Bork's* method further discloses that the telephone can be a fixed location device such as a retail shop, or possibly a pay phone (see *Bork*, col. 5 lines 49-67), and the first mobile phone has memory 306 (see *Bork*, col. 5 lines 2-8, the device needs memory to somehow store the downloaded location information) and the method further comprises:

creating a position record of the telephone in the first mobile station memory (see *Bork*, col. 5 lines 2-8); and

wherein the first mobile station receiving the position of the phone includes the first mobile station accessing its memory to receive the position (see *Bork*, col. 5 lines 49-67).

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As pertaining to **claims 24 and 34**, *Bork's* method also comprises:

Following the receiving the telephone position, communicating the position with presentation selected from the group including audio signals and graphic displays (see *Bork*, col. 5 lines 7-12).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6-7 (again), 9, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by *Hashimoto* UK Patent Number 2,322,248 ("*Hashimoto*").

As pertaining to **claims 1 and 2**, *Hashimoto* teaches in a wireless communication system, a method for a mobile system to determine proximity to a telephone (see *Hashimoto*, abstract), the method comprising:

a first mobile station determining its position (see *Hashimoto*, page 8 line 21 – page 9 line 20);

the first mobile station receiving the position of a telephone (see *Hashimoto*, page 10 line 15 – page 11 line 10); and

the first mobile station calculating the distance and alignment in a coordinate system to the telephone (see *Hashimoto*, page 10 line 15 – page 11 line 10).

As pertaining to **claim 3**, *Hashimoto's* method also comprises:

the telephone determining a trust level that it has in the first mobile station; and

wherein receiving the position of the telephone includes receiving the position in response to the level of trust determined by the telephone (see *Hashimoto*, page 13 lines 4-23, in *Hashimoto* the central station assures that all the mobile units in communication within the system are identified and verified by a user ID).

As pertaining to **claim 5**, in *Hashimoto's* disclosure the first mobile station is connected to a GPS receiver; and

determining the position of the first mobile station includes the first mobile station receiving data from the GPS receiver (see *Hashimoto*, page 8 line 7-page 9 line 20).

As pertaining to **claim 6**, in *Hashimoto's* disclosure the telephone can be a second mobile station (similar to the first) connected to a GPS receiver (see *Hashimoto*, page 8 line 7-page 9 line 20), and the method further comprises:

the second mobile station receiving data from the connected GPS receiver (see *Hashimoto*, page 8 line 7-page 9 line 20); and

the second mobile station sending its position in response to the data received from the connected GPS receiver (see *Hashimoto*, page 25 line 12-page 28 line 23).

As pertaining to **claim 7**, *Hashimoto's* method also comprises:

the first mobile station sending a request for the position of the second mobile station;
and

wherein the second mobile station sending of its position includes the second mobile station sending its position in response to the first mobile station position request (see *Hashimoto*, page 25 line 12-page 28 line 23).

As pertaining to **claim 9**, *Hashimoto's* method further comprises:

the second mobile station sending its position to the wireless communication system;
the wireless communications system collecting and storing the position of the second mobile station; and

wherein the first mobile station sending a request for the position of the second mobile station includes sending the position request to the wireless communications system; and

the method further comprising:

the wireless communications system sending the second mobile station position to the first mobile station, in response to the position request (see *Hashimoto*, page 25 line 12-page 28 line 23).

As pertaining to **claim 23**, *Hashimoto's* method also includes:

the first mobile station receiving a plurality of telephone position over a period of time;
and

the first mobile station tracking the change in distance and direction to the telephone over the period of time (see *Hashimoto*, page 25 line 12-page 28 line 23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 16, 31, 33, 45, 47, 53 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bork*.

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Claims 14, 16, 31, 33, 45, 47, 53 and 59 all claim that the instant system is capable of transmitting location information back and forth using audio information or SMS messages that is exchanged between the two devices. *Bork* is silent on this specific method for exchange of location information, however *Bork* does describe that his method may be used in a cellular system (see *Bork*, col. 4 lines 28-53) and that the users are able to speak to one another and also SMS one another as is now readily the case in most cellular phone systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow two phone users to exchange a phone call or SMS message with each using the GPS on their phone to determine their locations and give each other coordinates. This would have allowed users to enter the coordinates into their GPS modules and then determine the location of the other user.

Allowable Subject Matter

Claims 10, 11, 13, 41, 52, 55, 61, and 63-65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10, 11, 13, 41, 52, 55, 61, and 63-65 claim that the system and method has the ability to maintain a record of trust relationships regarding the communications system, and using that to determine the level of trust between the various communicating entities over the system. This is a feature that is not implemented in either *Hashimoto* or *Bork* and would not be obvious modifications over these designs. Therefore the instant inventions ability to do this allows it to be allowable over the prior art made of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Bickley et al. U.S. Patent 5,519,403 teaches a global positioning system communications multi-interface.

B. Murphy U.S. Patent 5,917,434 teaches an integrated taximeter/GPS position tracking system.

C. Murphy U.S. Patent 5,6087,965 teaches a vehicle mileage meter and a GPS position tracking system.

D. Sakuma U.S. Patent 6,317,605 teaches a mobile communications system.

E. Carlsson U.S. Patent 6,466,788 teaches methods and apparatus for transferring position data between terminals in wireless communications systems.

F. Yogo U.S. Patent 5,548,822 teaches a mobile station monitoring system.

G. Obradovich et al. U.S. Patent 6,515,595 teaches a personal communication and positioning system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Harry whose telephone number is 703-305-4749. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Art Unit: 2684

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ATH

March 18, 2003


THANH CONG LE
PRIMARY EXAMINER

3/20/03



Notice of References Cited

Application/Control No.

09/668,502

Applicant(s)/Patent Under
Reexamination
ALMASSY, NIKOLAUS P.W.

Examiner

Andrew T Harry

Art Unit

2684

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,519,403	05-1996	Bickley et al.	342/352
	B	US-5,917,434	06-1999	Murphy, Michael D	340/991
	C	US-6,087,965	07-2000	Murphy, Michael D.	340/991
	D	US-6,317,605	11-2001	Sakuma, Shigeru	455/457
	E	US-6,466,788	10-2002	Carlsson, Ove	455/435
	F	US-5,548,822	08-1996	Yogo, Hiroyuki	455/68
	G	US-6,515,595	02-2003	Obradovich et al.	340/905
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Please type a plus sign (+) inside this box →

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Substitute for Form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

1

of

1

Complete If Known

Application Number	09/868,502
Filing Date	09/22/2000
First Named Inventor	Nikolaus P.W. Almassy
Group Art Unit	2682
Examiner Name	
Attorney Docket No.	TI-31692

U.S. PATENT DOCUMENTS

Exam. Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Doc.	Date of Pub. of Cited Doc. (mm-dd-yyyy)	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
ATA	AA	6,246,376 B1		BORK, et al.	06/12/2001	
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FOREIGN PATENT DOCUMENTS

Exam. Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Doc.	Date of Pub. of Cited Doc. (mm- dd-yyyy)	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Office ³	Number ⁴	Kind Code ² (if known)				
ATA	BA	PCT	WO 01/63315		LDT SYSTEMS, INC.	08/31/2001		
	BB	UK	GB 2 322 248		FUJITSU LIMITED	08/19/1998		
	BC							
	BD							
	BE							
	BF							
	BG							
	BH							
	BI							
	BJ							

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exam. Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA		
	CB		
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	CD		
	CE		
	CF		
	CG		
	CH		
	CI		
	CJ		

Examiner
SignatureDate
Considered

3/18/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to applicant.¹Unique citation designation number. ²Applicant is to place a check mark here if English Translation is attached.

OCT 14 2003

SHEET 1 OF 1

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
(Use Several Sheets If Necessary)

Docket No. DOT1360/TI-31692

Application No. To be assigned

Applicant: N. Almasy

Filing Date: Herewith

Group Art Unit Unknown

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AM	5,389,934	02/14/95	Kass	342	357	
	5,625,668	04/29/97	Loomis et al.	379	58	
	5,918,180	06/28/99	Dimino	455	456	
	5,952,959	09/14/99	Norris	342	357	
	6,091,957	07/18/00	Larkins et al.	455	456	

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

3/15/03

EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP ' 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

(2/92 PTO)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Nikolaus P.W. Almassy

Serial No.: 09/668,502

Filed: 09/22/2000

For: **SYSTEM AND METHOD FOR THE EXCHANGE OF LOCATION
INFORMATION IN A TELEPHONE NETWORK**

Docket No.: **TI-31692**

Examiner: **Andrew, H**

Art Unit: **2684**

Confirm. No.: **1988**

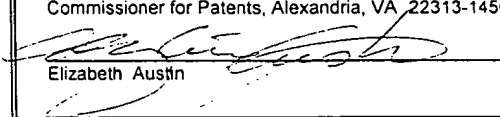
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EXTENSION OF TIME

Commissioner For Patents
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A)

I hereby certify that on this date the above correspondence is being deposited
with the U.S. Postal Service as First Class Mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450.


Elizabeth Austin

8/26/2003
Date

Dear Sir:

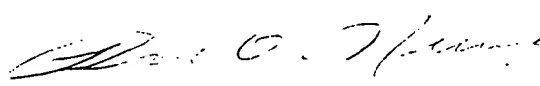
Pursuant to 37 CFR 1.136(a), Applicants respectfully petitions the Commissioner for an extension of the shortened statutory period for response in the above-identified Application.

The fee for this extension is indicated below:

— One Month (\$110)	— Four Months (\$1,450)
<u>2</u> Two Months (\$410)	— Five Months (\$1,970)
— Three Months (\$930)	

Any further necessary extension of time is hereby requested. Charge any and all fees to the deposit account of Texas Instruments Incorporated, Account No. 20-0668. An original and two copies of this sheet are enclosed.

Respectfully submitted,



Texas Instruments Incorporated
Mail Station 3999
P.O. Box 655474
Dallas, TX 75265
(972) 917-5299

Ronald O. Neerings
Registration No. 34,227

ATTACHMENT 2



IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of

Nikolaus P.W. Almassy

Serial No.: 09/668,502

Filed: 09/22/2000

For: **SYSTEM AND METHOD FOR THE EXCHANGE OF LOCATION
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Confirm. No.: **1988**

AMENDMENT TRANSMITTAL FORM

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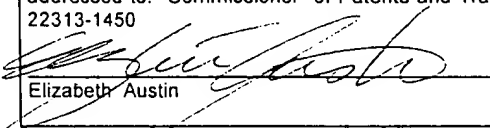
Technology Center 2600

Commissioner For Patents
Alexandria, VA 22313-1450

Sir:

MAILING CERTIFICATE UNDER 37 C.F.R. § 1.8(a)

I hereby certify, that on this date, this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450


Elizabeth Austin


Date 8/26/2003

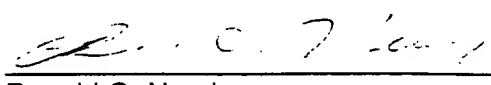
Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below:

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	44	Minus	65	0	x \$18 =	\$
Independent Claims	8	Minus	4	4	x \$84 =	\$ 336.00
TOTAL ADDITIONAL FEE						\$ 336.00

Charge the total additional fee, and any further fees, or credit overpayment to the deposit account of Texas Instruments Incorporated, Account No. 20-0668. An original and two copies of this sheet are enclosed.

Texas Instruments Incorporated
P. O. Box 655474, M/S 3999
Dallas, TX 75265
Ph: (972) 917-5299
Fax: (972) 917-4417


Ronald O. Neerings
Attorney for Applicants
Reg. No. 34,227



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Nikolaus P.W. Almassy

Serial No.: 09/668,502

Filed: 09/22/00

For: SYSTEM AND METHOD FOR THE EXCHANGE OF LOCATION
INFORMATION IN A TELEPHONE NETWORK

Docket No.: TI-31692

Examiner: Andrew, H

Art Unit: 2684

Confirm. No.: 1988

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AMENDMENT - 37 CFR § 1.111

Commissioner for Patents

Alexandria, VA 22313-1450

Dear Sir:

MAILING CERTIFICATE UNDER § 37 CFR 1.8(a)

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Elizabeth Austin

Responsive to the Office Action dated March 26, 2003, please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 16 of this paper.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application.

LISTING OF CLAIMS:

1. (currently amended) In a wireless communications system, a method for a mobile station to determine proximity to a telephone, the method comprising:
 - a first mobile station determining its position;
 - the first mobile station requesting the position of a telephone;
 - the telephone accessing a record of trust relationships regarding the communications system to determine a trust level for the first mobile station;
 - the first mobile station receiving the position of thea telephone if the first mobile station meets a selected level of trust; and
 - the first mobile station calculating the distance to the telephone.
2. (original) The method of claim 1 further comprising:
 - the first mobile station determining its alignment in a coordinate system; and
 - calculating the direction to the telephone.
3. (canceled).
4. (original) The method of claim 1 further comprising:
 - generating a request, to authorize the sending of the telephone position; and
 - wherein receiving the position of the telephone includes receiving the position in response to the request being authorized.

5. (currently amended) The method of claim ~~13~~ in which the first mobile station is connected to a global positioning satellite (GPS) receiver; and

wherein determining the position of the first mobile station includes the first mobile station receiving data from the GPS receiver.

6. (original) The method of claim 5 in which the telephone is a second mobile station, connected to a GPS receiver, and the method further comprising:

the second mobile station receiving data from the connected GPS receiver; and

the second mobile station sending its position in response to the data received from the connected GPS receiver.

7. (original) The method of claim 6 further comprising:

the first mobile station sending a request for the position of the second mobile station; and

wherein the second mobile station sending of its position includes the second mobile station sending its position in response to the first mobile station position request.

8. (original) The method of claim 7 wherein the second mobile station sending of its position includes the second mobile station automatically sending its position in response to the request.

9. (original) The method of claim 7 further comprising:

the second mobile station sending its position to the wireless communications system;
the wireless communications system collecting and storing the position of the second mobile station; and

wherein the first mobile station sending a request for the position of the second mobile station includes sending the position request to the wireless communications system; and

the method further comprising:

the wireless communications system sending the second mobile station position to the first mobile station, in response to the position request.

10. (currently amended) In a wireless communications system, a method for a first mobile station to determine proximity to a second mobile station, the method comprising:

the first mobile station connected to a global positioning satellite (GPS) receiver, the first mobile station receiving data from the GPS receiver for determining its position;

the first mobile station requesting the position of the second mobile station, the second mobile station connected to a global positioning satellite (GPS) receiver and receiving data from the GPS receiver for determining its position;

the second mobile station determining a trust level that it has in the first mobile station;

the second mobile station automatically sending the position of the second mobile station to the wireless communications system in response to a determination of an acceptable trust level;

the wireless communications system collecting and storing the position of the second mobile station;

the wireless communications system sending the position of the second mobile station to the first mobile station; and

the first mobile station calculating the distance to the second mobile station.

~~The method of claim 9 further comprising:~~

~~maintaining a record of trust relationships with the wireless communication system;~~
~~and~~

~~wherein determining the level of trust that the second mobile station has in the first mobile station includes the wireless communications system determining the trust level in response to accessing the record of trust relationships.~~

11. (currently amended) The method of claim 10 further comprising:
establishing an emergency access code to the record of trust relationships; and
permitting the first mobile station to receive the position of the second mobile station ~~telephone~~ in response to presenting the emergency access code to the wireless system.

12. (original) The method of claim 7 wherein the first mobile station sends its request for the position of the second mobile station to the second mobile station; and
wherein the second mobile station sends the second mobile station position to the first mobile station, in response to the request.

13. (currently amended) In a wireless communications system, a method for a first mobile station to determine proximity to a second mobile station, the method comprising:

the first mobile station connected to a global positioning satellite (GPS) receiver, the first mobile station receiving data from the GPS receiver for determining its position;

the first mobile station requesting the position of the second mobile station, the second mobile station connected to a global positioning satellite (GPS) receiver and receiving data from the GPS receiver for determining its position;

the second mobile station determining a trust level that it has in the first mobile station, the second mobile station including a memory and maintaining a record of trust relationships in the memory of the second mobile station, wherein determining the level of trust that the second mobile station has in the first mobile station includes the second

mobile station determining the trust level in response to accessing the record of trust relationships;

the second mobile station sending the position of the second mobile station to the first mobile station in response to a determination of an acceptable trust level;

the wireless communications system collecting and storing the position of the second mobile station;

the wireless communications system sending the position of the second mobile station to the first mobile station; and

the first mobile station calculating the distance to the second mobile station. The method of claim 12 in which the second mobile station includes a memory, and further comprising:

maintaining a record of trust relationships in the memory of the second mobile station; and

wherein determining the level of trust that the second mobile station has in the first mobile station includes the second mobile station determining the trust level in response to accessing the record of trust relationships.

14. (original) The method of claim 1 further comprising:

establishing a short message service (SMS) identity corresponding an SMS message to transmit and receive position requests and the transfer of position data; and

wherein receiving the position of the telephone includes receiving the position by SMS messaging.

15. (original) The method of claim 1 wherein receiving the position of the telephone includes receiving the position by a general message and data network subscriber protocols including WAP and HTTP.

16. (original) The method of claim 1 wherein the first mobile station receiving of the telephone position includes the first mobile station receiving the telephone position via an audio signal.

17. (original) The method of claim 1 further comprising:
the first mobile station sending its position to the telephone.

18. (original) The method of claim 17 further comprising:
determining the level of trust that the first mobile station has in the telephone; and
wherein the first mobile station sends its position to the telephone in response to the determined level of trust.

19. (currently amended) The method of claim 1[[3]] in which the telephone is a landline telephone associated with a service provider; and

the method further comprising:

creating a position record of the telephone with the service provider; and
wherein the first mobile station receiving of the position of the phone includes the first mobile station receiving the position from the service provider.

20. (original) The method of claim 19 further comprising:
the first mobile station requesting the position of the telephone, from the telephone;
and

the telephone requesting the service provider to send its position to the first mobile station.

21. (original) The method of claim 19 further comprising:

the service provider creating a dedicated number to request position information; and
wherein the first mobile receiving of the position of the telephone includes the first mobile station dialing the dedicated number to receive the telephone position.

22. (currently amended) The method of claim 1~~[[3]]~~ in which the telephone is a landline telephone associated with a service provider and the first mobile phone has a memory; and

the method further comprising:

creating a position record of the telephone in the first mobile station memory; and
wherein the first mobile station receiving of the position of the phone includes the first mobile station accessing its memory to receive the position.

23. (original) The method of claim 2 further including:

the first mobile station receiving a plurality of telephone position over a period of time; and

the first mobile station tracking the change in distance and direction to the telephone over the period of time.

24. (original) The method of claim 1 further comprising:

following the receiving the telephone position, communicating the position with presentations selected from the group including audio signals and graphic displays.

25-40. (canceled)

41. (currently amended) In a wireless communications second mobile station, a method of sending the position of a second mobile station to a first mobile station, the method comprising:

a second mobile station receiving a request for position from a first mobile station;

determining a trust level that the second mobile station has in the first mobile station;

the second mobile station automatically sending its position to the first mobile station, wherein sending the second mobile station position to the first mobile station includes sending the position in response to the determined level of trust;

maintaining a record of trust relationships in the memory of the second mobile station; and

wherein determining the level of trust level that the second mobile station has in the first mobile station includes the second mobile station determining the level of trust by accessing the record of trust relationships in memory. The method of claim 38 in which the second mobile station has a memory; and further comprising:

maintaining a record of trust relationships in the memory of the second mobile station; and

wherein determining the level of trust level that the second mobile station has in the first mobile station includes the second mobile station determining the level of trust by accessing the record of trust relationships in memory.

42. (currently amended) The method of claim ~~41~~³⁷ further comprising:

the first mobile station determining its own position;

the second mobile station receiving the position of the first mobile station; and

the second mobile station calculating the distance to the first mobile station.

43. (original) The method of claim 42 further comprising:

the second mobile station determining its alignment in a coordinate system; and
calculating the direction to the first mobile station.

44. (original) The method of claim 42 further comprising:

prior to receiving the position of the first mobile station, requesting the position of the
first mobile station.

45. (currently amended) The method of claim 4137 further comprising:

establishing a short message service (SMS) identity corresponding to an SMS
message for transmitting and receiving the request for position and sending of position
data; and

wherein sending the position includes sending the position by SMS messages.

46. (currently amended) The method of claim 4137 wherein sending the position of
the second mobile station~~telephone~~ includes sending the position by a general message
and data network subscriber protocols including WAP and HTTP.

47. (currently amended) The method of claim 4137 wherein sending the position of
the second mobile station~~telephone~~ includes sending the position by an audio voice
signal.

48-51. (canceled)

52. (currently amended) In a wireless communications system, a mobile station capable of determining its distance from another mobile station, the system comprising:
a first mobile station having an input for receiving data to determine its own position and a port to request the position of a second mobile station which is automatically sent to the first mobile station in response to the request for position;
the second mobile station including a memory of trust relationships, and wherein the second mobile station sends its position in response to accessing the memory to determine the level of trust with the first mobile station; and
wherein the first mobile station determines the distance to the second mobile station in response to receiving the position of the second mobile station. ~~The system of claim 50 wherein the second mobile station includes a memory of trust relationships, and wherein the second mobile station sends its position in response to accessing the memory to determine the level of trust with the first mobile station.~~

53. (currently amended) The system of claim 52 wherein the second mobile station creates a request, addressed to the second mobile station user, authoring the sending of its position.

54. (currently amended) The system of claim 52 further comprising:
a position control module connected to the wireless system to collect and store the position of the second mobile unit, and automatically send the second mobile station position to the first mobile station in response to requests from the first mobile station.

55. (currently amended) In a wireless communications system, a mobile station capable of determining its distance from another mobile station, the system comprising:
a first mobile station having an input for receiving data to determine its own position and a port to request the position of a second mobile station;

the second mobile station having a position, which is automatically sent to the wireless communication system in response to the request for position;

a position control module connected to the wireless communication system to collect and store the position of the second mobile unit, and automatically send the second mobile station position to the first mobile station in response to requests from the first mobile station;

a trust relationship storage module connected to the position control module and accessed by the position control module to determine the level of trust that the second mobile station has in the first mobile station, before the second mobile station position is sent; and

wherein the first mobile station determines the distance to the second mobile station in response to receiving the position of the second mobile station. The system of claim 54 further comprising: a trust relationship storage module connected to the position control module and accessed by the position control module to determine the level of trust that the second mobile station has in the first mobile station, before the second mobile station position is sent.

56. (currently amended) The system of claim 55[[4]] wherein the position control module sends an authorization request to the second mobile station, before the second mobile station position information is sent to the first mobile station.

57. (currently amended) The system of claim 55[[48]] wherein the first mobile station receives a short message service (SMS) message, having an SMS identity, to transfer of position and to convey the position of the telephone.

58. (currently amended) The system of claim 55[[48]] wherein the first mobile station receives a general message to convey the position of the telephone.

59. (currently amended) The system of claim 55[[48]] wherein the first mobile station receives an audio signal to convey the position of the telephone.

60. (currently amended) The system of claim 55[[50]] wherein the first mobile station sends its position to the second mobile station; and

wherein the second mobile station calculates to distance to the first mobile station in response to receiving the first mobile station position.

61. (currently amended) In a wireless communications system, a mobile station capable of determining its distance from another mobile station, the system comprising:
a first mobile station having an input for receiving data to determine its own position and a port to request the position of a second mobile station and including a memory of trust relationships and wherein the first mobile station sends its position in response to accessing the memory to determine the second mobile station level of trust;

the second mobile station having a position, which is automatically sent to the wireless communication system in response to the request for position; and

wherein the second mobile station calculates the distance to the first mobile station in response to receiving the first mobile station position. The system of claim 60 wherein the first mobile station includes a memory of trust relationships, and wherein the first mobile station sends its position in response to accessing the memory to determine the second mobile station level of trust.

62. (canceled)

63. (currently amended) In a wireless communications system, a mobile station capable of determining its distance from another telephone, the system comprising:
a first mobile station having an input for receiving data to determine its own position and a port to request the position of a telephone;
a telephone having a position, which is automatically sent to the first mobile station in response to the request for position;
a landline telephone service provider including:
a position control module that collects and stores the position of the landline telephone and automatically sends the position to the first mobile station in response to requests from the first mobile station; and
a trust relationship storage module connected to the position control module and accessed by the position control module to determine the level of trust that the landline telephone has in the first mobile station, before its position is sent to the first mobile station; and
wherein the first mobile station determines the distance to the telephone in response to receiving the telephone position. ~~The system of claim 62 further comprising:~~
~~a trust relationship storage module connected to the position control module and accessed by the position control module to determine the level of trust that the landline telephone has in the first mobile station, before its position is sent to the first mobile station.~~

64. (original) The system of claim 63 wherein the landline telephone receives an authorization request from the service provider to send its position to the first mobile station; and

wherein the service provider sends the landline telephone position in response to the authorization request.

65. (original) The system of claim 63 wherein the position control module is accessed through a dedicated telephone number; and

wherein the first mobile requests the position of the telephone directly from the service provider by dialing the dedicated telephone number to access the position control module.

REMARKS

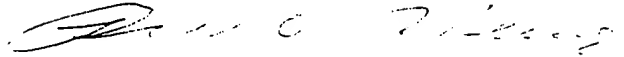
Claims 10, 11, 13, 41, 52, 55, 61 and 63-65 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this amendment Claims 10, 13, 41, 52, 55, 61 and 63-65 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. As a result, Claims 10, 11, 13, 41, 52, 55, 61 and 63-65 stand allowable.

Similarly, the dependency of Claims 42, 45-47, 53-54 and 56-60 have been amended to depend from allowable claims. As a result, Claims 42, 45-47, 53-54 and 56-60 stand allowable.

The Examiner states in his discussion of "allowable subject matter" that the feature of "the system and method having the ability to maintain a record of trust relationships regarding the communications system, and using that to determine the level of trust between the various communicating entities", is not implemented in either Hashimoto or Bork and would not be obvious over these designs (Office Action dated March 26, 2003, page 10, lines 15-20). Claim 1 has been amended to incorporate the spirit of the Examiner's above reasoning. As such, Claim 1 stands allowable. Similarly, Claims 2, 4-9, 12 and 14-24 stand allowable as depending from allowable Claim 1. Accordingly, Claims 1, 2, 4-24, 41-61 and 53-65 stand allowable.

Applicant respectfully requests allowance of the application as the earliest possible date.

Respectfully submitted,



Ronald O. Neerings
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Attorney for Applicant

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In The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

<ul style="list-style-type: none">— NEW APPLICATION TRANSMITTAL— DECLARATION —— ASSIGNMENT & RECORDATION COVER SHEET— FORMAL DRAWINGS (SHEETS ENCLOSED)— CONTINUATION APPLICATION— DIVISIONAL APPLICATION— ISSUE FEE & LETTER OF TRANSMITTAL	<ul style="list-style-type: none"><input checked="" type="checkbox"/> AMENDMENT 1.1.1<input checked="" type="checkbox"/> AMENDMENT FEE TRANSMITTAL<input checked="" type="checkbox"/> EOT — 2 MONTHS— NOTICE OF APPEAL— APPEAL BRIEF— REPLY BRIEF (IN TRIPLICATE)— I.D.S. With REFERENCES
NAME OF INVENTOR(S): Nikolaus P.W. Almasy	SERIAL NUMBER: 09/668,502
TITLE OF INVENTION: System And Method For The Exchange Of Location Information In A Telephone Network	CONFIRMATION NO.: 1988
TI FILE NO.: TI-31692 DEPOSIT ACCT. NO.: 20-0668	
EXPRESS MAIL RECEIPT NO.: MAILED DATE: August 26, 2003 DATE DUE: June 26, 2003 ATTY/SEC'Y: Ron Neerings / Elizabeth Austin	



In The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

<input type="checkbox"/> NEW APPLICATION TRANSMITTAL <input type="checkbox"/> DECLARATION - <input type="checkbox"/> ASSIGNMENT & RECORDATION COVER SHEET <input type="checkbox"/> FORMAL DRAWINGS (SHEETS ENCLOSED) <input type="checkbox"/> CONTINUATION APPLICATION <input type="checkbox"/> DIVISIONAL APPLICATION <input type="checkbox"/> ISSUE FEE & LETTER OF TRANSMITTAL	<input checked="" type="checkbox"/> AMENDMENT 1.111 <input checked="" type="checkbox"/> AMENDMENT FEE TRANSMITTAL <input checked="" type="checkbox"/> EOT - 2 MONTHS <input type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> APPEAL BRIEF <input type="checkbox"/> REPLY BRIEF (IN TRIPLICATE) <input type="checkbox"/> I.D.S. With REFERENCES
NAME OF INVENTOR(S): Nikolaus P.W. Almassy	SERIAL NUMBER: 09/668,502
	CONFIRMATION NO.: 1988
TITLE OF INVENTION: System And Method For The Exchange Of Location Information In A Telephone Network	
TI FILE NO.: TI-31692	DEPOSIT ACCT. NO.: 20-0668
EXPRESS MAIL RECEIPT NO.:	
MAILED DATE: August 26, 2003	
DATE DUE: June 26, 2003	
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